

## **REMARKS**

Claims 1 and 8 have been amended. Support for the amendments may be found at least in lines 2-6 on page 3 of the present application. No new matter has been added. Claim 15 has been canceled. Pursuant to the amendments indicated herein, claims 1-5 and 8-12 are pending in the present application.

In the Office Action, claims 1-5 and 8-12 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kim, et al (U.S. Patent No. 6,937,559). Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

Kim generally describes techniques for assigning Walsh codes. Kim also describes assigning Walsh codes to users on the basis of a priority associated with the user. See Kim, col. 6, ll. 13-42. However, Kim does not describe dividing the code space up so that all the codes in one part of the code space are allocated on a time-shared basis and codes in the other part of the code space are allocated for the duration of a communication session, as set forth in the pending claims (as amended herein).

Applicants therefore respectfully submit that the pending claims (as amended herein) do not read on the subject matter described by Kim and so claims 1-5 and 8-12 are not anticipated by Kim. Applicants respectfully request that the Examiner's rejections of claims 1-5 and 8-12 under 35 U.S.C. § 102(e) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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/Mark W. Sincell/

Mark W. Sincell, Ph.D.

Reg. No. 52,226

Williams Morgan & Amerson, P.C.

10333 Richmond Avenue, Suite 1100

Houston, TX 77042

(713) 934-7000

(713) 934-7011 (Fax)

AGENT FOR APPLICANT